

Article 3.2: Williams Gateway Airport Overlay District

Sections:

- 3.201 Purposes
- 3.202 Applicability
- 3.203 Development and Notification Requirements within the Williams Gateway Airport Overlay District

3.201 Purposes

The purposes of the Williams Gateway Airport Overlay District are to:

- A. Designate an area in the Town that is or may be impacted by noise generated by aircraft using the Williams Gateway Airport; and
- B. Mitigate the effects of aircraft noise on the public health, welfare and safety by prohibiting noise sensitive uses in new projects in Overflight Area 1, by establishing noise attenuation requirements applicable to noise sensitive uses in new projects in Overflight Area 2, and by requiring notification to future owners and occupants of possible noise impacts on noise sensitive uses in new projects in Overflight Areas 2 and 3 of the Williams Gateway Airport Overlay District.

3.202 Applicability

Base zoning district regulations shall apply except to the extent modified by an overlay district. The Official Zoning Map shall identify each Overflight Area within the Williams Gateway Airport Overlay District.

- A. The provisions of this Article shall apply only to noise sensitive uses in new projects located wholly or partially within the Williams Gateway Airport Overlay District.
- B. If a new project is located partially within Overflight Areas 2 and 3, then the development and notification requirements for Overflight Area 2 shall apply to noise sensitive uses in the entire new project.
- C. If a new project is located partially within Overflight Area 3 and partially outside of any overflight area, then the development and notification requirements for Overflight Area 3 shall apply to noise sensitive uses in the entire new project.
- D. For the purposes of this Article, the following words and terms shall have the following meanings:

1. “Airport” means the Williams Gateway Airport owned and operated by the Williams Gateway Airport Authority.
2. “New Project” means a project with the following status of development as of October 17, 2003:
 - a. No preliminary plat has been approved; or
 - b. A preliminary plat has expired; or
 - c. No preliminary design review site plan has been approved; or
 - d. A preliminary design review site plan has expired.
3. “Noise Sensitive Uses” means Single Family and Multi-Family residential uses, Hospitals, Nursing Homes, Religious Assembly, Libraries, Schools, and Day Care Centers.
4. “Overflight Areas” means those areas designated on the Official Zoning Map as overflight areas. Overflight areas are divided into Overflight Areas 1, 2 and 3.
5. “Project” means a subdivision with boundaries established by a recorded plat, or a site with boundaries depicted on an approved final Design Review plan.
6. “Williams Gateway Airport Overlay District” means that area so designated on the Official Zoning Map.

3.203 Development and Notification Requirements within the Williams Gateway Airport Overlay District

Use and development of land within the Williams Gateway Airport Overlay District shall conform to the base zoning district regulations and other requirements of the Zoning Code, except as modified by a Development Plan for a Planned Area Development overlay zoning ordinance.

- A. **Overflight Area 1.** Noise sensitive uses shall be prohibited in a new project on a lot that is located wholly or partially in Overflight Area 1.
- B. **Overflight Area 2.** New projects located within Overflight Area 2 that include a noise sensitive use shall comply with the following:
 1. **Final Plats.** Final plats shall note the potential for objectionable aircraft noise. Specifically, the plat shall note the following language: “This property, due to its proximity to Williams Gateway Airport, is likely to

experience aircraft overflights, which could generate noise levels which may be of concern to some individuals.”

2. *Sales and Leasing Office Signs.* Sales and leasing offices for residential developments shall provide notice to prospective buyers and tenants that the project is located within Overflight Area 2. The notice shall consist of a freestanding sign:
 - a. Measuring at least 4 feet by 4 feet;
 - b. Installed at the entrance to each sales or leasing office;
 - c. Installed prior to commencement of sales, including pre-sales, or leasing and shall remain in place until the sales or leasing office is permanently closed.
 - d. Including the following language in letters of at least 1 inch in height: “This subdivision is located within the Williams Gateway Airport Overlay District Overflight Area 2. For additional information contact the Arizona Department of Real Estate at: (INSERT CURRENT TELEPHONE NUMBER) or Williams Gateway Airport Public Relations Office at: (INSERT CURRENT TELEPHONE NUMBER).”
 - e. With lettering a minimum of 30 inches above grade.
3. *Subdivision Public Reports.* Subdivision public reports filed with the Arizona Department of Real Estate shall disclose the location of the Airport and potential aircraft overflights. The following statement shall be included in the public report: “This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals.”
4. *Interior Noise Level Reduction.* All building construction in a new project shall achieve an exterior to interior Noise Level Reduction (NLR) of 25 decibels (dB) or an exterior to interior NLR that results in an interior noise level of 45 DNL or less. As part of an application for Design Review, the developer shall submit a sealed letter from a registered architect or engineer certifying that the construction materials, methods, and design employed will achieve the required noise reduction. A copy of the certification shall also be submitted with each application for a building permit and shall be noted on the construction plans.
5. *Avigation Easement.* The owners of the new project, including mortgagees, other lien holders and easement holders, shall execute an

avigation easement prior to or concurrently with the recordation of any final plat or approval of a final Design Review plan for the new project. The easement shall be in a form approved by the Town Attorney.

C. ***Overflight Area 3.*** New projects located within Overflight Area 3 that include a noise sensitive use shall comply with the following:

1. ***Final Plats.*** Final plats shall note the potential for objectionable aircraft noise. Specifically, the plat shall note the following language: “This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals.”
2. ***Sales and Leasing Office Signs.*** Sales and leasing offices for residential developments shall provide notice to prospective buyers and tenants that the project is located within Overflight Area 3. The notice shall consist of a freestanding sign:
 - a. Measuring at least 4 feet by 4 feet;
 - b. Installed at the entrance to each sales or leasing office;
 - c. Installed prior to commencement of sales, including pre-sales, or leasing and shall remain in place until the sales or leasing office is permanently closed.
 - d. Including the following language in letters of at least 1 inch in height: “This subdivision is located within the Williams Gateway Airport Overlay District Overflight Area 3. For additional information contact the Arizona Department of Real Estate at: (INSERT CURRENT TELEPHONE NUMBER) or Williams Gateway Airport Public Relations Office at: (INSERT CURRENT TELEPHONE NUMBER).”
 - e. With lettering a minimum of 30 inches above grade.
3. ***Subdivision Public Reports.*** Subdivision public reports filed with the Arizona Department of Real Estate shall disclose the location of the Airport and potential aircraft overflights. The following statement shall be included in the public report: “This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals.”
4. ***Interior Noise Level Reduction.*** All building construction in a new project shall achieve an exterior to interior Noise Level Reduction (NLR) of 20

decibels (dB) or an exterior to interior NLR that results in an interior noise level of 45 DNL or less. As part of an application for Design Review, the developer shall submit a sealed letter from a registered architect or engineer certifying that the construction materials, methods, and design employed will achieve the required noise reduction. A copy of the certification shall also be submitted with each application for a building permit and shall be noted on the construction plans.

5. *Avigation Easement.* The owners of the new project, including mortgagees, other lien holders and easement holders, shall execute an avigation easement prior to or concurrently with the recordation of any final plat or approval of a final Design Review plan for the new project. The easement shall be in a form approved by the Town Attorney.